

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

INSPIRED PURSUITS, LLC,
QUALTIM, INC., CENTER FOR
BUILDING INNOVATION, LLC,
DRJ ENGINEERING, LLC, KIRK
GRUNDAHL, and SUZANNE GRUNDAHL,

Plaintiffs,

v.

Case No. 25-CV-75

PARAGON COMPONENT SYSTEMS, LLC,
JOHN HOLLAND, JAMES HOLLAND,
CLEARSPAN COMPONENTS, LLC, ANDREW
EWIN, DAVID REED, SCOTT HOELSMA,
SETH DUNCAN, MICHAEL PITTS, AVERY
RADMACHER, NATHAN BIEREMA, JEREMY
BIEREMA, ROB EASON, and THE ESTATE OF
DANIEL HOLLAND EX REL. SPECIAL
EXECUTOR MARVIN B. SPEED,

Defendants.

**REQUEST FOR RELIEF FROM OBLIGATION
TO FILE COPYRIGHT REPORT**

Defendant Paragon Component Systems, LLC respectfully requests relief from the obligation to file a Copyright Report. As discussed below, a Copyright Report is not required to be filed or submitted to the Register of Copyrights in this action.

I. Background.

Plaintiffs filed their Complaint on January 2, 2025. (Dkt. 1-2, at 18-38.) The Complaint seeks damages for alleged breach of contract based on claims that Plaintiffs jointly authored Defendant Paragon's proprietary Paragon Truss Software. (*See generally*

id.) Because the Paragon Truss Software is trade-secreted software that is protected by copyright, the Civil Cover Sheet has identified the nature of the suit as being related to copyrights. (Dkt. 1-1, at 1.)

Defendants removed the case to federal court on January 31, 2025. On February 1, 2025, the next day, the Court issued a docket notice stating, “Action Requested: Counsel shall prepare and file the Report on the Filing of an Action Regarding a Copyright.” The docket entry contained a link to the standard form for a “Report on the Filing or Determination of an Action or Appeal Regarding Copyright” (“Copyright Report”), which is attached as Exhibit 1. (See Declaration of Tamar B. Kelber (“Kelber Decl.”), ¶ 2, Ex. 1.) It is not necessary, however, to submit a Copyright Report in this action.

This is because Plaintiffs do not assert any claims for copyright infringement in this action. Instead, the Complaint relates to authorship and ownership of the Paragon Truss Software. Under the Copyright Act, “no civil action for infringement of the copyright in any United States work shall be instituted until preregistration or registration of the copyright claim has been made in accordance with this title.” 17 U.S.C. § 411(a) (emphasis added); *see also Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC*, 139 S. Ct. 881, 886 (2019) (holding that “a copyright claimant may commence an infringement suit, when the Copyright Office registers a copyright” (emphasis added)). A copyright-infringement claim necessarily involves the registration of copyrights, and so written notification must be sent to the Copyright Office to update the public record concerning the asserted copyright. *See* 17 U.S.C. § 508(a). The Copyright Report is the standard form for providing this written notification. But filing a Copyright Report is unnecessary when, as here, an action involving copyrights does not include a claim for

copyright infringement. The Complaint in this case does not allege infringement of any copyrighted software or any other copyright.

Plaintiffs filed this action after Paragon sued Plaintiffs in the United States District Court for the Eastern District of Tennessee. (*See* Kelber Decl., ¶ 3, Ex. 2.) In that case, Paragon seeks declaratory judgments that Paragon is the sole and exclusive owner of all right, title, and interest in and to its proprietary Paragon Truss Software. (*Id.*) The day after that case was filed, the Court issued a “Notice of Failure to File Copyright Report,” directing Paragon to file a report. (*Id.* ¶ 4, Ex. 3.) Paragon sought relief from the report requirement on the same grounds as advanced here. (*Id.* ¶ 5, Ex. 4.) The Court granted Paragon’s request, issuing an “Order Relieving Plaintiff from Obligation to File Copyright Report,” on August 26, 2024. (*Id.* ¶ 6, Ex. 5.) The Court held that because “the claims related to the authorship/ownership of the copyrighted software, and no infringement claim is being asserted,” no Copyright Report is required. (*Id.* at 2.) The same is true here.

In sum, the submission of a Copyright Report to the United States Copyright Office is unnecessary in this action because this action involves no claim of copyright infringement. Moreover, although the Paragon Truss Software at issue is protected by copyright laws, the Paragon Truss Software is not registered with the Copyright Office because it is a trade secret that is kept confidential. For this reason, even if a Copyright Report were required to be filed, there is no copyright registration number or other information that could be reported.

For the foregoing reasons, Defendants respectfully request that the Court withdraw the February 1, 2025 docket entry requesting that Counsel prepare and file a Copyright Report.

Dated this 7th day of February, 2025.

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